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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

# CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.  
(Only for Continuation or Divisional applications under 37 C.F.R. § 1.53(d))

CHECK BOX, if applicable:  
☐ DUPLICATE

Address to:

Assistant Commissioner for Patents  
Box CPA  
Washington, DC 20231

Attorney Docket No. of Prior Application	6107.US.P1
First Named Inventor	Patricia A. Billing-Medel
Examiner Name	S. Turner
Group / Art Unit	1647
Express Mail Label No.	EL384204701US

RECEIVED

AUG 07 2000

This is a request for a ☒ continuation or ☐ divisional application under 37 C.F.R. § 1.53(d),  
(continued prosecution application (CPA)) of prior application number 09/092,297,  
filed on June 5, 1998, entitled REAGENTS AND METHODS USEFUL FOR DETECTING DISEASES OF THE URINARY TRACT

## NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. § 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. § 1.53(d), but must be filed under 37 C.F.R. § 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. § 1.78(a).

- ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 C.F.R. § 1.116 in the prior nonprovisional application.
- ☒ A preliminary amendment is enclosed.
- This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53 (d)(4).
  - ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:  
\_\_\_\_\_  
\_\_\_\_\_
  - ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
- Information Disclosure Statement (IDS) is enclosed:
  - ☐ PTO-1449
  - ☐ Copies of IDS Citations

08/04/2000 CV0111 00000076 010025 09092297  
690.00 CH  
1326.00 CH  
630.00 CH  
01 FC:131  
02 FC:102  
03 FC:103

08/09/2000 DWILLIA1 00000003 010025 760.00 CH  
01 FC:117

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 C.F.R. § 1.16(c) or (i))	55	-20* =	35	x \$18.00 =	\$ 630.00
INDEPENDENT CLAIMS (37 C.F.R. § 1.16(b) or (i))	20	-3** =	17	x \$78.00 =	1,326.00
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. § 1.16(d))				+ \$ _____ =	
				BASIC FEE (37 C.F.R. § 1.16)	690.00
				Total of above Calculations =	2,646.00
Reduction by 50% for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27 & 1.28).					
* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.					TOTAL = 2,646.00

## 6. Small entity status:

- a. ☐ A small entity statement is enclosed, if (b) and (c) do not apply.
- b. ☐ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c. ☐ Is no longer claimed.

## 7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 01-0025:

- a. ☒ Fees required under 37 C.F.R. § 1.16.
- b. ☒ Fees required under 37 C.F.R. § 1.17.
- c. ☐ Fees required under 37 C.F.R. § 1.18.

8. ☐ A check in the amount of \$ \_\_\_\_\_ is enclosed.9. ☐ New Attorney Docket Number, if desired \_\_\_\_\_

[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]

10 a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)11. ☒ Other: See 1 in Addendum**NOTE:**

The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

**12. NEW CORRESPONDENCE ADDRESS**☐ Customer Number or Bar Code Labelor ☐ New correspondence address below

(Insert Customer No. or Attach bar code label here)

Name				
Address				
City	State	Zip Code		
Country	Telephone	Fax		

**13. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print /Type)

Mimi C. Goller

Signature



Registration No. (Attorney/Agent)

39,046

Date

August 1, 2000

## Addendum

1. Declaration of Prior Invention - Hong Yu; Declaration of Prior Invention of Mark Hayden; and Exhibit A



#11  
PATENT  
8/9/00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: P. A. Billing-Medel, *et al.*

Serial No.: 09/092,297

Filed: June 5, 1998

For: REAGENTS AND METHODS  
USEFUL FOR DETECTING  
DISEASES OF THE URINARY  
TRACT

Examiner: S. Turner

Group Art Unit: 1644

Case No.: 6107.US.P1

Date: July 31, 2000

EXPRESS MAIL NO.: EL384204701US

**Certificate of Mailing under 37 CFR §1.10:**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as Express Mail Post Office to Addressee Service with sufficient postage in an envelope addressed to:

Assistant Commissioner for Patents  
Box CPA  
Washington, D.C. 20231, on:

Date of Deposit: August 2, 2000

Wanda E. Smith 8/2/00  
Wanda E. Smith Date

Assistant Commissioner for Patents  
Box CPA  
Washington, D.C. 20231

**PRELIMINARY AMENDMENT**

Dear Sir:

This is responsive to the Office Action dated February 15, 2000. Claims 10-16, 25, 30, 33, 35, 38, 39 and 45-55 are currently under Examination.

**AMENDMENTS**

Please amend the specification as follows:

On page 55, in line 29, after "(SEQUENCE ID NO. 5)", please delete Sequence 819141 corresponds to nucleotide positions 66-329 of the consensus sequence.

**IN THE CLAIMS**

Please amend the claims as follows:

10. (Twice amended) A test kit useful for detecting a target polynucleotide in a test sample, said test kit comprising a container containing at least one polynucleotide [that